IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

FRIDAY, THE 1ST JUNE 2007 / 11TH JYAISHTA 1929

WP(C).No. 16694 of 2007(K)

PETITIONER:

T.M.LUKOSE, S/O. LATE MR.T.L.MATHEW,
THEKKUMMURY (H), CC NO.43/81 (OLD NO.38/2142)
OPP: FIRE STATION, GANDHI NAGAR, COCHIN-682020.

BY ADV. SRI.S.JAMES VINCENT

RESPONDENTS:

1. THE UNION OF INDIA, REPRESENTED BY THE SECRETARY TO GOVERNMENT, MINISTRY OF FOREIGN AFFAIRS, NEW DELHI.

2. THE ATTACHE (PASSPORT), EMBASSY OF INDIA, MUSCAT.

3. THE REGIONAL PASSPORT OFFICER, PANAMPALLY NAGAR, ERNAKULAM, COCHIN -682036.

BY ADV. SRI.P.PARAMESWARAN NAIR, CGC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 01/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S.SIRI JAGAN, J.

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W.P.(C).No.16694 of 2007

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Dated this the 1st day of June, 2007

J U D G M E N T

The petitioner applied to the third respondent for correction of date of birth of the petitioner in his passport, viz.,No.F-8005947-P. However, the rules stipulate that correction of date of birth in the passport can be effected only after the petitioner produces an order from the Magistate to the effect that his date of birth is the one he proposes to include in the passport.

2. I am of the opinion that this is a situation which stems from a rule which is impossible of compliance by anybody. There is no provision in any law which provides for determination of the actual date of birth of a person by a Magistrate. As such, it is totally unreasonable and unsustainable. It is high time that the 1st respondent applies its mind to this

fact and make appropriate amendment to the rule making the rule possible of compliance with by persons seeking correction of dates of birth and other particulars in the passport. A copy of this judgment would be forwarded to the 1st respondent for this purpose. I am passing this order because several writ petitions are coming up for the last several years seeking direction to the Magistrate to accept petition filed by the similarly situated persons and to direct the Magistrate to pass orders on the same. The 1st respondent shall apply its mind to the situation and take appropriate action as expeditiously as possible, at any rate, within three months from the date of receipt of a copy of this judgment.

3. Since this court has in several writ petitions directed the appropriate Magistrate to accept similar petitions filed by similarly situated persons, in this case also, I direct the petitioner to file a suitable petition before the Magistrate having jurisdiction. The Magistrate

shall accept the petition and make appropriate enquiries and pass orders regarding the correct date of birth of the petitioner. The Magistrate shall pass appropriate orders within one month from the date of receipt of the application to be filed by the petitioner.

Writ petition is disposed of as above.

Sd/-

sdk+ S.SIRI JAGAN, JUDGE

///True copy///

P.A. to Judge.